

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CITIGROUP GLOBAL MARKETS INC., d/b/a	)	
SMITH BARNEY,	)	
	)	
Plaintiff,	)	Case No. 08-CV-2100
	)	
v.	)	Judge Norgle
	)	
JOHN ORTH,	)	Magistrate Judge Valdez
	)	
Defendant.	)	
	)	

**NOTICE OF MOTION**

TO: John Orth  
Wachovia Securities  
55 Shuman Boulevard  
Suite 750  
Naperville, IL 60563

PLEASE TAKE NOTICE that on Tuesday, April 15, 2008 at **12:00 p.m.** or as soon thereafter as counsel may be heard, we shall appear before the Honorable Judge Charles R. Norgle in Room 2341 at Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604 and then and there present for hearing **MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**, a copy of which is attached hereto and herewith served upon you.

Dated: April 14, 2008

CITIGROUP GLOBAL MARKETS INC., d/b/a  
SMITH BARNEY

\_\_\_\_\_  
/s/ Gary M. Miller  
One of Its Attorneys

Gary M. Miller  
Daniel M. Hinkle  
GRIPPO & ELDEN LLC  
111 South Wacker Drive  
Chicago, IL 60606  
(312) 704-7700

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused the VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF, NOTICE OF MOTION, MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION; [PROPOSED] TEMPORARY RESTRAINING ORDER; and APPENDIX OF UNPUBLISHED AUTHORITIES IN MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION to be served on Defendant via the following this 14th day of April, 2006:

via Federal Express to:

John Orth  
1921 Edinburgh Lane  
Aurora, IL 60504

John Orth  
Wachovia Securities  
55 Shuman Boulevard  
Suite 750  
Naperville, IL 60563

via facsimile to:

John Orth  
Wachovia Securities  
Facsimile No. (630) 548-6170

and via Federal Express to:

Director of Arbitration  
FINRA Regulation, Inc.  
1 Liberty Plaza  
165 Broadway  
27<sup>th</sup> Floor  
New York, NY 10006

in addition, Counsel spoke with the defendant via telephone and notified him personally of the pending Motion.

/s/ Gary M. Miller